

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

D'WAYNE CARPENTER,
PETITIONER,

V.

DAVID L. WINN, ET AL
RESPONDENT.

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)
) Civil Action No. 04-CV-40043(WGY)
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DECLARATION OF PATRICK W. WARD

I, Patrick Ward, hereby make the following declaration:

1. I am employed by the United States Department of Justice, Federal Bureau of Prisons, at the Federal Medical Center in Devens, Massachusetts (FMC Devens), as an Attorney Advisor. The legal office, from which I am located, is the Consolidated Legal Center - Devens. I have been employed at this position since approximately March 24, 2002.
2. As an Attorney Advisor, I have access to numerous records maintained in the ordinary course of business at FMC Devens regarding federal prisoners, including, but not limited to, documentary records, Judgment and Commitment files, and computerized records maintained on the Bureau of Prisons computerized data base, SENTRY.
3. Upon review of the relevant records pertaining to Petitioner's Community Corrections Center (CCC) or Home Confinement (HC), it is evident that a brief historical explanation is required in this matter. Petitioner is serving a seven (7) to twenty-one(21) year sentence for Armed Robbery from the Superior Court of the District of Columbia. His Projected Release Date on this sentence, via Parole, is October 16, 2004. His Pre-Release Preparation Date (or 10% date) is April 16, 2004.
4. Pursuant to a November 20, 2003 Institutional Referral for CCC Placement request, initiated by his Unit Team at FMC Devens, on December 2, 2003, Petitioner subsequently received a tentative placement for a CCC placement to Hope Village in Washington, D.C. for a date of April 20, 2004. At the time of this initial referral, as well as the time of this acceptance, Petitioner was not on dialysis three (3) times a week.

5. In December of 2003, Petitioner began receiving dialysis treatments at FMC Devens three (3) times a week. This treatment has continued through present time. Because of newly raised issues concerning Petitioner's medical condition, to include the development of dialysis treatments, as well as a concern which required further cardiac evaluation and testing, Petitioner's potential placement to a CCC was suspended. Following additional evaluation and procedures, on or about June 23, 2004, Petitioner's cardiac concerns were settled and he was once again medically cleared for pre-release consideration.
6. Subsequently on or about June 30, 2004, Petitioner's Unit Team at FMC Devens once again completed an Institutional Referral for CCC Placement form. On this occasion, the recommendation to the Community Corrections Management (CCM) Office in Annapolis Junction, Maryland, suggests a placement to Home Confinement and seeks a date sometime on or after July 26, 2004. This referral was received in the CCM's Office on or about July 12, 2004.
7. At this time, the BOP CCM's Office is reviewing this request for Home Confinement and is considering the possibility of such a placement, considering Petitioner's medical issues.
8. Additionally, my office has just been made aware that Petitioner was transported to the University of Massachusetts Medical Center yesterday, July 13, 2004, following complications with a clotted AV graft (necessary for the dialysis treatments), and is scheduled for vascular surgery today.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 14th day of July, 2004

Patrick W. Ward
Attorney Advisor
Consolidated Legal Center - Devens